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July 31, 2015

By ECF

Hon. Kimba M. Wood
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *United States v. Rubin et al.*
S1 09 Cr. 1058 (KMW)

Dear Judge Wood:

We represent David Rubin in the above-referenced matter.

We write to respectfully request permission for Mr. Rubin to have further time to pay the remainder of his financial penalties imposed in this matter. As noted in the letter to the Court submitted by Assistant U.S. Attorney Kathleen A. Zembrowski on July 22, 2015 (Dkt. Entry No. 476), Mr. Rubin's total restitution in the amount of \$1,143,059.43 has been fully satisfied. However, he remains obligated to personally satisfy the \$2 million fine imposed against his former company, CDR (Dkt. Entry No. 447 at p. 3). He is also obligated to pay a fine imposed against him individually in the amount of \$1.5 million. (Dkt. Entry No. 448 at p. 5). However, due to difficulties liquidating certain real estate holdings, Mr. Rubin has been unable to secure sufficient cash to fully satisfy the balance of his financial obligations to the Court as of this date when full payment was due. However, he can and will be making additional payments today in excess of \$1 million.

We have recently had discussions with the government about extending the deadline for Mr. Rubin to complete his financial obligations until December 31, 2015 but have not yet reached agreement. Among other things, we have proposed that a friend and business partner of Mr. Rubin serve as a guarantor with respect to the remaining balance. The government has requested more information bearing on the length of the proposed extension and information

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regarding the proposed guarantor's financial wherewithal, but we have not yet been able to provide the financial information which the government has requested.

The parties therefore respectfully request that the Court extend the deadline for Mr. Rubin to fulfill his financial obligations until August 24, 2015. We will advise the Court by August 17, 2015 whether the parties have reached an agreement on a further extension and on whether the government has approved the proposed financial guarantor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Simon", written over the printed name.

Bradley D. Simon
Attorney for David Rubin

cc. Rebecca Meiklejohn, Esq.